

C. D. asks the Utah Labor Commission to review Administrative Law Judge Hann's action on Mr. D.'s "Request for Decision to Enforce Settlement," under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Ann.).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12, Utah Code Ann. §34A-2-801(3) and Utah Admin. Code R602-2-1.M.

### **DISCUSSION**

Mr. D. contends he and the Uninsured Employers' Fund ("UEF") settled Mr. D.'s workers' compensation claim, but that UEF has refused to perform its obligations under the agreement. Mr. D. has asked Judge Hann to enforce the alleged agreement. Judge Hann has scheduled a hearing on Mr. D.'s request for March 4, 2004. However, Mr. D. now asks the Commission to intervene.

It appears that Judge Hann has appropriately scheduled a hearing on the underlying question of whether an enforceable settlement agreement exists. Judge Hann has not yet ruled on that question. When she does, Mr. D. can request agency review if he is dissatisfied. Until then, it would be inappropriate for the Commission to interfere.

### **ORDER**

The Commission dismisses Mr. D.'s motion for review and remands this matter to Judge Hann for further proceedings. It is so ordered.

Dated this 25<sup>th</sup> day of February, 2004.

R. Lee Ellertson, Commissioner